

INSTRUCTIONS FOR THE USE OF THE PARENTS BILL OF RIGHTS (CPO1-2D), AND SUPPLEMENTAL INFORMATION (CPO1SUPP-2D).

Do **NOT** make any changes to this form. It will print on one page.

EDUCATION LAW §2-D BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

Parents (including legal guardians or persons in parental relationships) and Eligible Students (students 18 years and older) can expect the following:

- 1.** A student’s personally identifiable information (PII) cannot be sold or released for any commercial or marketing purpose. PII, as defined by Education Law § 2-d and the Family Educational Rights and Privacy Act ("FERPA"), includes direct identifiers such as a student’s name or identification number, parent’s name, or address; and indirect identifiers such as a student’s date of birth, which when linked to or combined with other information can be used to distinguish or trace a student’s identity. Please see FERPA’s regulations at 34 CFR 99.3 for a more complete definition.
- 2.** The right to inspect and review the complete contents of the student’s education record stored or maintained by an educational agency. This right may not apply to Parents of an Eligible Student.
- 3.** State and federal laws such as Education Law § 2-d; the Commissioner of Education’s Regulations at 8 NYCRR Part 121, FERPA at 12 U.S.C. 1232g (34 CFR Part 99); Children's Online Privacy Protection Act ("COPPA") at 15 U.S.C. 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment ("PPRA") at 20 U.S.C. 1232h (34 CFR Part 98); and the Individuals with Disabilities Education Act ("IDEA") at 20 U.S.C. 1400 et seq. (34 CFR Part 300); protect the confidentiality of a student’s identifiable information.
- 4.** Safeguards associated with industry standards and best practices including, but not limited to, encryption, firewalls and password protection must be in place when student PII is stored or transferred.
- 5.** A complete list of all student data elements collected by NYSED is available at www.nysed.gov/data-privacy-security/student-data-inventory and by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.
- 6.** The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. Complaints may be submitted to NYSED at www.nysed.gov/data-privacy-security/report-improper-disclosure, by mail to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234; by email to privacy@nysed.gov; or by telephone at 518-474-0937.
- 7.** To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.
- 8.** Educational agency workers that handle PII will receive training on applicable state and federal laws, policies, and safeguards associated with industry standards and best practices that protect PII.
- 9.** Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.

CONTRACTOR	
Signature:	
Printed Name:	
Title:	
Date:	



Contractor must complete this information.

**BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY -
SUPPLEMENTAL INFORMATION FOR CONTRACTS THAT UTILIZE PERSONALLY IDENTIFIABLE
INFORMATION**

Pursuant to Education Law §2-d and Section 121.3 of the Commissioner’s Regulations, the New York State Education Department (NYSED) is required to post information to its website about its contracts with third-party contractors that will receive Personally Identifiable Information (PII).

Name of Contractor	
Description of the purpose(s) for which Contractor will receive/access PII	
Type of PII that Contractor will receive/access	Check all that apply: <input type="checkbox"/> Student PII <input type="checkbox"/> APPR Data
Contract Term	Contract Start Date _____ Contract End Date _____
Subcontractor Written Agreement Requirement	Contractor will not utilize subcontractors without a written contract that requires the subcontractors to adhere to, at a minimum, materially similar data protection obligations imposed on the contractor by state and federal laws and regulations, and the Contract. (check applicable option) <input type="checkbox"/> Contractor will not utilize subcontractors. <input type="checkbox"/> Contractor will utilize subcontractors.
Data Transition and Secure Destruction	Upon expiration or termination of the Contract, Contractor shall: <ul style="list-style-type: none"> • Securely transfer data to NYSED, or a successor contractor at the NYSED’s option and written discretion, in a format agreed to by the parties. • Securely delete and destroy data.

Please provide a brief description of the PII that Contractor will receive/access to provide the contracted services.

For example, if the contract is for exam administration, examples of the purposes of providing the PII could be for student registration or for student assessment.

This summarizes the Contractor’s obligations as set forth in the Contract.

The Contractor must make a selection.

This summarizes the Contractor’s obligations as set forth in the Contract.

Challenges to Data Accuracy	Parents, eligible students, teachers or principals who seek to challenge the accuracy of PII will do so by contacting NYSED. If a correction to data is deemed necessary, NYSED will notify Contractor. Contractor agrees to facilitate such corrections within 21 days of receiving NYSED's written request.	 <p>This summarizes the process set forth in the Contract.</p>
Secure Storage and Data Security	Please describe where PII will be stored and the protections taken to ensure PII will be protected: (check all that apply) <input type="checkbox"/> Using a cloud or infrastructure owned and hosted by a third party. <input type="checkbox"/> Using Contractor owned and hosted solution <input type="checkbox"/> Other: _____ _____ Please describe how data security and privacy risks will be mitigated in a manner that does not compromise the security of the data: _____ _____ _____	 <p>Contractor must provide a brief overview of the its secure storage and data security processes as outlined in the Data Privacy and Security Plan that it submitted, and which is an addendum to the Contract.</p> <p>Contractor must make a selection.</p> <p style="text-align: center;">and</p>  <p>Contractor must provide highlights of the Data Privacy and Security Plan that it submitted, and which is an addendum to the Contract.</p>
Encryption	Data will be encrypted while in motion and at rest.	 <p>This summarizes the process set forth in the Contract.</p>

CONTRACTOR	
Signature:	
Printed Name:	
Title:	
Date:	


 Contractor must complete this information.